



11-24-03

1642

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re United States Patent Application of:****Applicants: Christoph Wagener, et al.****Serial No.: 09/831,794****Date Filed: August 3, 2001****Title: INFLUENCING ANGIOGENESIS USING
CD66a****) Confirmation 9609****) No.:****) Atty. Docket No.: 4121-124****) Examiner: L.R. Helms****) Group Art Unit: 1642****) Customer No. 23448****EXPRESS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

Candace White

November 21, 2003

Date

EV204080883US

Express Mail Label Number

**SUPPLEMENTAL RESPONSE TO MARCH 28, 2003 OFFICE ACTION IN U. S. PATENT
APPLICATION NO. 09/831,794**

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants responded to the March 28, 2003 Office Action on September 18, 2003. At the time of filing such a response, applicants were not able to provide evidence of a Certification of the Availability.

Enclosed herewith is the Certification of the Availability and a Declaration by Dr. Christoph Wagener stating that the claimed biological material is readily available to the public.

It therefore is requested that Examiner Helms reconsider the patentability of claim 4 and withdrawn the rejection of same under 35 U.S.C. §112, first paragraph.

In the event that any issues remain, Examiner Helms is requested to contact the undersigned attorney at (919) 419-9350 to resolve same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marianne Fuierer", written in a cursive style.

Marianne Fuierer
Reg. No. 39,983
Attorney for Applicants

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4121-124